



**CITY OF SUNNYVALE
REPORT
Planning Commission**

January 24, 2005

SUBJECT: **2004-0918 – SABA Inc.** [Applicant] **James S and Sally K Lindsey Et Al** [Owner]: Application for a on a 3-acre site located at **1213 Elko Drive** in an M-S (Industrial & Service) Zoning District. (APN: 104-32-029)

Motion Use Permit to allow a new community center within a portion of an existing industrial building.

REPORT IN BRIEF

Existing Site Conditions Industrial

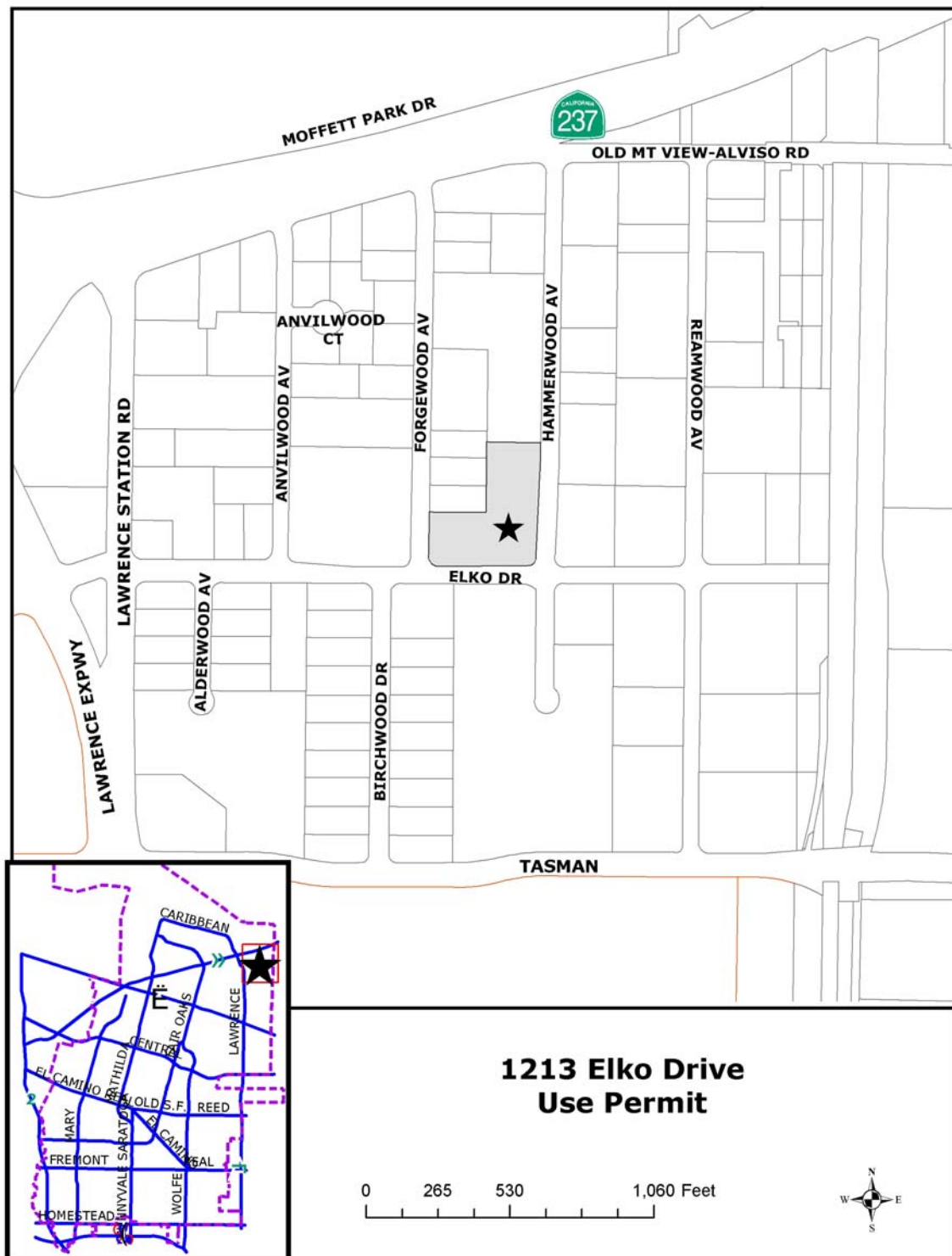
Surrounding Land Uses

North	Industrial
South	Industrial
East	Industrial
West	Industrial

Issues Compatibility of Use in Industrial area and Parking

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industry	Industry	Industry
Zoning District	MS - Industrial and Service	MS - Industrial and Service	MS - Industrial and Service
Lot Size (s.f.)	127,503	same	22,500 min.
Gross Floor Area (s.f.)	44,435	same	44,626 max.
Gross Floor Area of Tenant	n/a	18,385	By Use Permit
Lot Coverage (%)	34.8	same	45 max.
Floor Area Ratio (FAR)	34.8	same	35 max. without Use Permit
No. of Buildings On-Site	1	1	n/a
Building Height (ft.)	22	same	75 max.
No. of Stories	1	1	8 max.
Setbacks (Facing Property)			
• Front	Elko 55'	same	25 min.*
• Left Side	Forgewood 80'	same	25 min.*
• Right Side	Hammerwood 55'	same	25 min.*
• Rear	140'	same	0 min.
Landscaping (sq. ft.)			
• Total Landscaping	21,247	same	25,500 min.
• Frontage Width (ft.)	18-21	same	15 min.
• % Based on Floor Area	47.9	same	10 min.
• % Based on Parking Lot	34.4	same	20 min.
** Parking Lot Area Shading (%)	n/a	n/a	50% min. in 15 years
** Water Conserving Plants (%)	n/a	n/a	70% min.



Parking			
• Total Spaces	177	same	min.
• Standard Spaces	172	same	172 min.
• Compact Spaces/ % of Total	n/a	n/a	50 max.
• Accessible Spaces	5	same	6 min.
• Bicycle Parking	0	0	1 Class I 2 Class II2
** Stormwater	n/a	n/a	n/a



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

* Due to the end of the block location of this lot, all three street sides are considered front yards.

** The project building is existing. No additional building area is to be added to the building. Noted requirements do not apply.

ANALYSIS

Description of Proposed Project

The applicant is requesting approval to use a portion of an industrial building in an industrial zoning district as a community center. The existing building is located on Elko Drive, roughly in the center of the Sunnyvale industrial area referred to as “the woods” (Site Plan/Attachment C). The existing building is 44,435 square feet in area. The applicant proposes to use approximately 41% of the building, or 18,385 square feet, as a community center with a combination of assembly areas, administrative areas, classrooms, library area and training rooms (Floor Plan/Attachment D). The remaining 26,050 square feet is currently, and will continue to be, leased to office/industrial users. There are no proposed exterior changes to the building elevations, site organization or landscaping. The applicant has provided a detailed description of the combined use of all areas of the proposed community center (Applicant’s Project Description/Attachment E).

Background

Previous Actions on the Site: There are no previous planning applications related to the subject site.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (Initial Study/Attachment F).

Use Permit

Site Layout: The applicant does not propose any changes to the existing site plan. The existing building is located in the center of a site that has frontage on three streets. Access is provided from all three frontages. Parking lots rims the site. A two-way drive aisle provides access around the perimeter of the building.

Stormwater Management: The site improvements, including parking lots and landscaping, are existing. There are no proposed changes that would cause the site to be disturbed or regraded. No stormwater management improvements are required.

Easements and Undergrounding: All utilities on the perimeter of the site are already underground.

The Municipal Code requires sidewalks to be installed in connection with Use Permit applications in the industrial areas. Since the perimeter of the site is landscaped with rolling berms and mature trees, it is likely that installment of sidewalks will require a meandering path that encroaches in places onto the project site. Easements will be required where sidewalks are installed outside the public right-of-way.

This site has frontage on three streets. None of the street frontages have sidewalks. The proposed Use Permit includes the following:

- 41% of the building changes in tenancy to a community center
- No square feet added
- No site plan modifications

Staff believes a fair sidewalk contribution would be to provide sidewalks on one frontage. Staff believes that the Elko frontage would be the most advantageous improvement since it would provide an extension of a sidewalk on the next block to the west. The applicant would like to be relieved from this condition due to the expense of sidewalks, but would prefer to install sidewalks on the project-serving side (Hammerwood frontage) if sidewalks are required.

The frontages are currently designed with rolling berms and include numerous mature trees. Installing sidewalks will require removal of some trees and the installation of some retaining walls. The City's arborist has met on the site with the applicant and has determined a possible path for the sidewalks. The arborist believes that sidewalks can be installed without the loss of many significantly-sized trees.

Architecture: There are no architectural changes proposed with this application. The existing building is a typical one-story light industrial building.

Landscaping: Other than modifications needed to install sidewalks, there are no landscaping modifications proposed with this application. Currently about 18% of the site is landscaped where 20% is required for new development. Staff believes that as a result of the need for parking, there is no opportunity to increase landscaping also. Staff has not included any conditions to add 2% of the site in landscaping.

Parking/Circulation: There are no parking lot and circulation modifications proposed with this project. Staff considers there to be a parking shortage as a result of the proposed application for a community center. The parking quantity issues will be discussed in "Compliance with Development Standards/Guidelines."

Art in Private Development: This site is not subject to the requirements for art in private development. It does not meet the two acre site requirement.

Conclusion

Compliance with Development Standards/Guidelines: The primary concern regarding development standards is the need for additional parking for this use. The applicant has submitted a community center management plan that proposes there will be no overlap in uses and programs that would exceed an occupancy load of 200 people. In addition to the proposed community center, there will continue to be 26,050 square feet of industrial uses on the site. Although the Municipal Code allows the Commission to consider the possibility of staggered peak hours of uses on the site, staff still believes that there could be a potential parking shortage with this use.

Using the same parking standards that were used for the India Community Center at 285 Wolfe Road in 2003, staff has concluded the following parking demand for the site:

Type of Use	Square Footage	Parking Ratio	Number of Parking Spaces Required
Other Tenants/Industrial Uses	26,050	1 space/500 s.f.	52
Proposed Community Center	18,385	1 space/21 s.f. of Recreational and Assembly Area (4,169 s.f.) 1 space/180 s.f. of Other General Areas (14,216 s.f.)	198 79
		Total Parking Required	329
		Current Parking Provided On Site	177

Parking <u>Deficiency</u> (If all tenant space used simultaneously/ both the R&D and Community Center with same peak time)	152
Parking <u>Deficiency</u> (Assuming no overlap with Community Center and Other Tenants/ R&D daytime and Community Center evening peaks)	100

Based on City parking codes, there would be a minimum 100 space deficiency in the parking lot if the project is approved. This number does not take into consideration the program submitted by the applicant. Although staff did review and consider the program, the method of the parking analysis (assuming peak use) is consistent with the analysis done for other recent Use Permits for community centers.

Expected Impact on the Surroundings: Staff expects an impact to adjacent and nearby lots as a result of peak parking demand at the project site. Staff is recommending a condition of approval requiring the applicant to secure a shared parking agreement with one or several adjacent lots for peak evening hours (after 5:00 p.m. and on weekends). Based on the parking analysis, the applicant needs to secure the potential for 100 parking spaces. This condition of approval is consistent with the condition placed on the India Community Center on Wolfe Road.

Also in comparison, the India Community Center on Wolfe Road was required to prepare and manage a TDM program that strongly encouraged use of public transportation. In this case, the project site is not located along transit routes, so a condition to that effect would not be feasible. Therefore there will be greater probability of additional trips and parking demand for this project than for similar approved projects.

Staff Discussion: Staff has concerns about the application to locate a community center in an industrial zoning district. Since the applicant is not proposing a daycare or school, the primary concern is not safety for the community center in this case. Instead, it is concern over the dilution of industrial areas with assembly uses that could ultimately limit or prohibit the types of industrial uses that can operate in the vicinity.

The City Council agrees with this concern and has ranked a study issue for 2005 to review the appropriateness as well as possible requirements and standards for places of assembly in industrial and commercial zones. This study ranked sixth and will be commenced by Planning staff in 2005. This study may also include analysis of an appropriate parking standard for assembly uses. Until this study is complete, and new policy and codes considered, staff has discouraged these uses in industrial zones.

In the case of the India Community Center on Wolfe Road, the Planning Commission imposed a three year limit on the Use Permit (based on staff recommendation). This condition was placed on the India Community Center even though it was in a much better location (adjacent to new ITR residential areas and near other similar assembly uses). Staff is recommending the same three-year condition of approval for the SABA Community Center. The SABA Community Center could reapply for a permanent permit in three years after Council adopted standards or guidelines are in place.

Fiscal Impact

This project does require payment of a Transportation Impact fee. Although the peak use is during non-peak traffic hours, based on standard traffic engineering guidelines, this use would produce 11 more peak hour trips in the p.m. peak than the allowed industrial use in the same amount of space. The Transportation fee is estimated to be \$19,658 (\$1,787.16 per trip). Transportation fees will increase in July 2005. The City charges the fee in place at time the Building Permits are issued.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications provided by the applicant.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 20 notices were mailed to the property owners within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Use Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

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Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site Plan
- D. Floor Plan
- E. Project Description from the Applicant
- F. Negative Declaration

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element; Policy N1.14:

Support the provision of a full spectrum of public and quasi-public services (e.g. parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The applicant is proposing the location of a community center in an industrial zone. The proposed use may limit possibilities for new industrial uses to move into the area; however, as conditioned and due to the limited three-year duration of this permit, the City will have the opportunity to review the use again if the applicants choose to request to stay longer.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The proposed community center use will not be materially detrimental to the public welfare or injurious to the property, improvement or uses within the immediate vicinity as the Use Permit is limited to three years and parking would be available through joint use agreements with neighboring properties. The applicant would also be installing sidewalks to benefit the area and paying the required Transportation Impact fee to alleviate long-term traffic issues in the City.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. The Use Permit for the SABA Community Center is valid for a three year period
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit is for a community center only, for a total of three years, measured from the day of building occupancy or six months from the date of approval, whichever is sooner. The community center uses shall include the following and similar uses; computer classes, family counseling, educational counseling for youth, lectures, language classes, art and cultural studies, administration, youth conferences, weekly lectures, community events and education events. The permit does not include a school or regularly scheduled classes for children or a day care for children or the elderly. Incidental food service and preparation shall be allowed from food prepared off-site, but there is no kitchen allowed or regular meal program allowed in this permit. Major community center events such as large festivals require a separate permit.
- E. The Use Permit shall expire if the use is discontinued for a period of one year or more.
- F. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

G. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

A. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed use prior to issuance of a Building Permit.

3. EASEMENTS AND DEDICATIONS

A. Dedicate sidewalk easement along the Elko Drive street frontage prior to issuance of a Building Permit.

B. Install these facilities per Department of Public Works requirements including tree removal, tree preservation, retaining wall design, drainage and irrigation design and ADA requirements.

4. EXTERIOR EQUIPMENT AND STORAGE

A. Individual air conditioning units shall be screened with architecture or landscaping features.

B. Unenclosed storage of any kind shall be prohibited on the premises.

5. FEES

A. Pay Traffic Impact fee estimated at \$19,658 (\$1,787.16 per trip) prior to issuance of a Building Permit. (SMC 3.50). Transportation fees are subject to increases annually. The City charges the fee in place at time the Building Permits are issued, or use is established.

6. LANDSCAPING

A. Landscape and irrigation plans for the frontages requiring sidewalk installation shall be submitted to the Director of Community Development for review prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.

B. Provide separate meter for domestic and irrigation water systems.

C. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.

D. The landscape plan shall including installation of new street trees where others are removed. Species and locations shall be submitted and approved per the City Arborist.

- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- G. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- H. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- I. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- J. For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.

7. PARKING

- A. Submit a shared parking agreement with one or more adjacent lots for a total of 100 evening parking spaces (after 5:00 p.m.) to be reviewed and approved by the Director of Community Development. Agreements shall be recorded with the County Recorder’s Office.

8. BICYCLE PARKING

- A. Provide one Class I space and two Class II bicycle parking spaces per VTA Bicycle Technical Guidelines as approved by the Director of Community Development.

9. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. Any new solid waste and recycling enclosures shall match the design, materials and color of the main building.

10. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.

- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

11. ROOF/ROOF SCREENS

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

12. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code. Separate permits are required for installation of signs.